

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**BANNER LIFE INSURANCE
COMPANY,**

Plaintiff,

v.

**GINA M. TOM, GARY LONNIE
MASIONGALE, SUNSHINE WEHNER,
AMANDA N. SHERMAN, JERRY L.
MASIONGALE, GARY L.
MASIONGALE, NELDA
MASGIONGALE GARRETT, and THE
ESTATE OF DEBRA A. WEHNER,**

Defendants.

Case No. 3:20-cv-00328-TMR

**DEFAULT JUDGMENT ON
PLAINTIFF'S COMPLAINT
FOR INTERPLEADER**

This matter having come before the Court on Plaintiff Banner Life Insurance Company's Motion for Entry of Default Judgment Against Certain Defendants Amanda N. Sherman, Jerry L. Masiongale, Gary L. Masiongale, and Nelda Masiongale Garrett pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, the Clerk's Entry of Default having been entered as to each of the foregoing Defendants on November 24, 2020, and the Court having considered the motion and declaration submitted in support, it is HEREBY ORDERED:

- A. Default judgment is entered in favor of Banner Life Insurance Company and against Defendants Amanda N. Sherman, Jerry L. Masiongale, Gary L. Masiongale, and Nelda Masiongale Garrett on Banner's Complaint for Interpleader pursuant to 28 U.S.C. § 1335; and
- B. Defendants Amanda N. Sherman, Jerry L. Masiongale, Gary L. Masiongale, and Nelda Masiongale Garrett, and each of them, are enjoined during the pendency of

this case, from commencing or prosecuting any proceeding or claim against Banner Life Insurance Company or its parents, subsidiaries, and affiliated companies, and any of their respective officers, directors, employees, agents, attorneys, representatives, shareholders, insurers, predecessors, successors, or assigns, in any state or federal court arising out of or related to the Policy, without bond or surety; and

- C. Banner Life Insurance Company and its parents, subsidiaries, and affiliated companies, and their respective officers, directors, employees, agents, attorneys, representatives, shareholders, insurers, predecessors, successors, or assigns, have no further liability to Defendants Amanda N. Sherman, Jerry L. Masiongale, Gary L. Masiongale, and Nelda Masiongale Garrett, or to any of them, or to any person or entity claiming through them, for the proceeds of Policy No. 010588984 insuring the life of Jessie T. Masiongale or arising out of the death of the Insured; and
- D. The Court finds that Banner has acted in good faith by interpleading its admitted liability under the Policy into the Registry of the Court; and
- E. Defendants Amanda N. Sherman, Jerry L. Masiongale, Gary L. Masiongale, and Nelda Masiongale Garrett, and each of them, upon entry of final order or judgment in this case, are collaterally estopped from commencing or prosecuting any proceeding or claim against Banner Life Insurance Company or its parents, subsidiaries, and affiliated companies, and any of their respective officers, directors, employees, agents, attorneys, representatives, shareholders, insurers, predecessors, successors, or assigns, in any state or federal court or other forum arising out of or related to Policy No. 010588984 or the death of Jessie T. Masiongale.

January 22, 2021

s/Thomas M. Rose

United States District Judge